Attorney Docket No. 56104576-84

REMARKS

Claims 1-21 are pending in the above identified application. Claims 19-21 are withdrawn from consideration and cancelled. Claims 1-6 are rejected under 35 U.S.C. § 112, second paragraph, and claims 7-18 are objected to as depending from other multiply dependent claims. Claims 19-21 have been cancelled. Claims 1, 2, 4-7, 9-11, 13, 15, and 18. Claims 22 and 23 are newly added. Applicant respectfully submits that claims 1-18 and 22-23 are in condition for allowance for at least the reasons articulated below.

I. MISCELLANEOUS

Title

The Examiner states that the title is not aptly descriptive, and suggests using a new title. Applicant adopts the Examiner's recommendation and has changed the title to "Method for Determining the Coagulation Potential of a Plasma Sample."

Abstract

The Examiner asserts that the abstract does not satisfy 37 C.F.R. § 1.72(b). In response, Applicant respectfully submits a new abstract in satisfaction of 37 C.F.R. § 1.72(b).

Priority Claimed in the Specification

The Examiner requests that the priority claims be updated in the specification and confirm this application is a National Stage filed under 371. In response, Applicant has claimed priority to international application no. PCT/AU99/00069 filed February 1, 1999, which claims priority from Australian application no. PP 1596 filed February 2, 1998 in the specification. Applicant also confirms that this application is a U.S. national stage application filed under 35 U.S.C. § 371.

PAGE 12/15 * RCVD AT 4/12/2004 7:01:00 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/0 * DNIS:8729306 * CSID:2128913547 * DURATION (mm-ss):05-28

II. OBJECTION UNDER 37 C.F.R. § 1.75(c)

Claims 7-18 are objected under 37 C.F.R. § 1.75(c) as being improperly depending from other multiply dependent claims. Applicant has amended claims 7, 9-11, 13, 15, and 18 and believes that claims 7-18 are now in condition for allowance. Applicant respectfully requests that objection under 37 C.F.R. § 1.75(c) be reconsidered and withdrawn.

III. REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 1-6 are rejected under 35 U.S. C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1

In particular, the Examiner states that the phrase "such as" in claim 1(b)(ii) is improper and that it unclear as to the significance of how the components are described as necessary. Claim 1 has been amended and the "such as" phrase and components have been omitted from claim 1(b). As this portion of step (b) is not necessary to patentability, this amendment has not been narrowed or broadened in any way.

The Examiner notes that coagulation is "monitored" in step (c), but "detected" in step (d). Claim 1(d) has been amended to reflect that "comparing the rate of coagulation" is also "monitored" in step 1(d).

Also in claim 1(d), the Examiner further notes that the rate of a normal patient would not be equivalent if the sample patient were not normal. Claim 1(d) has been further amended to clarify "comparing the rate of coagulation monitored in step (c) with the equivalent rate determined for a normal individual."

PAGE 13/15 * RCVD AT 4/12/2004 7:01:00 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/0 * DNIS:8729306 * CSID:2128913547 * DURATION (mm-ss):05-28

Claim 2

The Examiner suggests that the term "levels" may be intended to be "concentration." Applicant has adopted Examiner's suggestion and amended claim 2 accordingly.

Claim 4

The Examiner states that the phrase "used in step (a)" lacks antecedent basis because no use is seen. Applicant respectfully traverses, as it appears that this phrase is not found in claim 4.

Claim 5

The Examiner states that the venom is derived in claim 5, but whole and not derived in claim 4. Applicant has amended claim 5 to further clarify the subject matter therein.

Applicant believes that claims 1-6 satisfy the requirements of 35 U.S.C. § 112, second paragraph and respectfully submits that rejection on this basis be reconsidered and withdrawn.

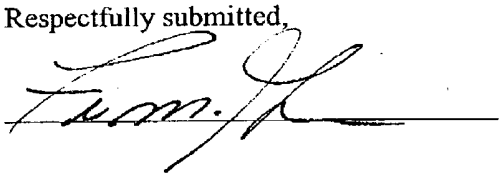
PAGE 14/15 * RCVD AT 4/12/2004 7:01:00 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/0 * DNIS:8729306 * CSID:2128913547 * DURATION (mm-ss):05-28

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CONCLUSION

Applicant respectfully submits that this supplemental response places the present application in condition for allowance. Favorable Action is hereby requested. If a further telephone interview would be of assistance in advancing prosecution of the present application, the Examiner is requested to telephone the undersigned at the number provided below. While no fee is believed due, if any fee is due, please charge deposit account number 02-0393.

Respectfully submitted,



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PAGE 15/15 * RCVD AT 4/12/2004 7:01:00 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/0 * DNIS:8729306 * CSID:2128913547 * DURATION (mm-ss):05-28